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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,599	05/04/2005	Luis Carlos Sernan-Dez Arppe	P/189-375	7504
2352 7590 11/24/2009 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
KARIKARI, KWASI				
ART UNIT		PAPER NUMBER		
2617				
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11/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,599

Applicant(s)

SERMAN-DEZ ARPPE ET AL.

Examiner

KWASI KARIKARI

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed on 07/12/2007 and 08/20/2009 with respect to the pending claims in the remarks, have been considered but are moot in view of the new ground(s) of rejection necessitated by the new limitations added to claims. See the rejection below of the pending claims for relevant citations found in Allison and Gibson disclosing the newly added limitations.

In view of the Appeal Brief filed on 08/20/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under U.S.C. 103(a) as being unpatentable over Allison et al., (US 20030083078), (hereinafter, Allison) in view of Gibson et al. (U.S. 6,775,249), (hereinafter Gibson).

Regarding claims 1 and 11 Allison discloses a notification system for visiting subscribers in a visited mobile telephony network, a visiting subscriber (= subscriber who are currently roaming, see [0004, 0006, 0008 and 0011]) being a subscriber from a home mobile telephony network different from the visited mobile telephony network (= a roaming and SMS notification system that may notifies a sending or calling party that delivery of discarded SMS message was unsuccessful, see [0016 and 0023]), the notification system comprising:

a first node of the visited mobile telephony network (= e.g., VLR, see [0006])

a first apparatus for determining the identity of the home mobile telephony network based on the International Mobile Subscriber Identity of the visiting subscriber
(= VLR database are integrated with MSC network elements; and VLR stores information such as IMSI, needed to correctly route voice call or data communications to a mobile subscriber, see [0006, 0008-9 and 0011])

a second apparatus for sending a short message with a notification to the visiting subscriber, and wherein the short message is sent based on the determined identity of the home mobile telephony network (= routing information such as IMSI, see [0006]; SMSC attempts to deliver a short message to a receiving mobile subscriber whenever the mobile subscriber is registered and available, see [0012-13]; and SMS notification message addressed to sending or calling party, also see [0016]).

Allison explicitly fails to mention, a dialing error system; apparatus for analysing a dialed number; determining whether said dialed number complies with at least one predetermined error criterion; and sending of a message if said dialed number complies with at least one predetermined error criterion.

However, Gibson, which is an analogous art, equivalently teaches a system that advise customers that a dialing error has occurred (see, col. 4, lines 7-11); users at a particular area make particular dialing errors (see, col. 9, lines 1-12); apparatus 200 and GIRAFF 220; and monitoring of call to determine whether a valid destination has been specified (see, col. 6, lines 14-63); GIRAFF analyzes dialing error (see, col. 6, lines 14-63); and DISC 130 receives international traffic; and the CLI capture facility operates to identify the identity of the number dialed by terminal 100 (see, col. 2, lines 54-58; and col. 4, lines 45-58).

Gibson also mentions that users from particular region or users from a private network are prone to making particular dialing errors (see, col. 7, lines 3-16).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of **Gibson** into the system of Allison for the benefit of achieving a

dialing error notification system the could be implemented nationally, regionally and locally to advise customers of misdialled codes.

Regarding claims 2 and 12, as recited in claims 1 and 11, **Allison** further discloses said first node is a Service Control Point of the visited mobile telephony network (see Pars. [0005, 0039, 0042-44]).

Regarding claims 3 and 16, as recited in claims 1 and 11, **Allison** further teaches a third apparatus for sending a message (M1) to an SS7-IP gateway from the first node, said message (M1) being a message with instructions to send the short message; a fourth apparatus for sending an http message to a short message sending server from said SS7-IP gateway, said http message being a message with instructions to send the short message; the second apparatus for sending the short message addressed to the visiting subscriber to a Short Message Service Centre of the visited network from said short message sending server upon receipt of said instructions by said short message sending server (see Pars. [0047, 0067 and 0079] and Figs.7 & 9).

Regarding claims 4 and 17, as recited in claims 1 and 11, **Allison** further discloses apparatus for selecting text for the short message (see Pars. [0004, 0008, 0011 and 0015]).

Regarding claims 5 and 18, as recited in claims 3 and 16, **Allison** further discloses that the system is comprising the short message sending server includes a database with short message texts and an indicator code included in the http message received from the SS7-IP gateway" (see Pars. [0043, 0047, 0067 and 0079] and Figs.7 & 9).

Regarding claims 6 and 19, according to claims 3 and 16, **Allison** further discloses data service such as short message service (see Pars. [0017, 0043,0047, 0067 and 0079] and Figs.7 & 9).

Regarding claims 7 and 20, as recited in claims 1 and 11, **Allison** further discloses a fifth apparatus for sending an initial control set-up message to the first node, the initial control set-up message comprising at least the following data: the telephone number dialed by the visiting subscriber the mobile telephone number of the visiting subscriber and the International Mobile Subscriber Identity of the visiting subscriber (see [0006, 0008, 0011, 0015, 0042, 0049-51, 0055 and Figs.7 & 9).

Regarding claims 8 and 21, as recited in claims 1 and 11, **Allison** further teaches the apparatus for sending an initial control set-up message to the first node is comprised in the Mobile Switching Centre of the telephony network, such that when a subscriber in a cell corresponding to the Mobile Switching Centre dials a telephone number, said Mobile Switching Centre sends the initial control set-up message to the first node (see [0007-9]).

Regarding claims 9 and 22, as recited in claims 1 and 11, **Allison** fails to teach a control apparatus for preventing a message with a dialing error notification from being sent to a subscriber if the time elapsed since a first message with a dialing error notification was sent to said subscriber is less than a predetermined minimum time.

However, **Gibson**, which is an analogous art, equivalently teaches control apparatus for preventing a message (a fax has been sent within the previous predetermined period, see col. 10, lines 16-25) with a dialing error notification from being sent to a subscriber if the time elapsed since a first message with a dialing error notification was sent to said subscriber is less than a predetermined minimum time (see col. 9, line 64- col. 10, lines 35).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of **Gibson** into the system of **Allison** for the benefit of achieving a dialing error notification system that could be implemented nationally, regionally and locally to advise customers of misdialed codes.

Regarding claims 10 and 23, as recited in claims 1 and 11, **Allison** fails to teach, wherein the error criteria include at least criterion selected from a group consisting of the following criteria:

- the number dialed begins with "+" followed by a sign different from a figure C, I/C x9;
 - the number dialed begins with "00" followed by a sign different from a C, 1 < C /9;
- the number dialed is in a 9- digit number beginning with a figure which is not 6, 7, 8 or 9, - the number dialed begins with "+" or "00." followed by a country code followed by an

escape code not applicable for international dialing to said country; and

- the number dialed is a number with fewer than 9 digits which is not a short code.

However, Gibson, which is an analogous art, equivalently teaches wherein the error criteria include at least criterion selected from a group consisting of the following criteria:

- the number dialed begins with "+" followed by a sign different from a figure C, I/C x9;
- the number dialed begins with "00" followed by a sign different from a C, 1 < C /9;

the number dialed is in a 9- digit number beginning with a figure which is not 6, 7, 8 or

9.- the number dialed begins with "+" or "00." followed by a country code followed by an escape code not applicable for international dialing to said country; and

- the number dialed is a number with fewer than 9 digits which is not a short code (error may occur because some countries may have error in regional code or insufficient digitals in the number dialed, see col. 10, lines 59-62).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of **Gibson** into the system of Allison for the benefit of achieving a dialing error notification system the could be implemented nationally, regionally and locally to advise customers of misdialled codes.

Regarding claim 13, as recited claim 11, **Allison** further teaches, based on the identity home mobile telephony network of the subscriber as determined by the International Mobile Subscriber Identity of the subscriber, it is determined whether the subscriber has the right to a dialing error notification service (see [0006 and 0011]).

Regarding claim 14, as recited in claim 13, **Allison** further teaches IMSI (see [0006 and 0011]); but fails to mention dialing error.

However, Gibson, which is an analogous art, equivalently teaches a system that advise customers that a dialing error has occurred (see, col. 4, lines 7-11). Gibson also mentions that users from particular region or users from a private network are prone to making particular dialing errors (see, col. 7, lines 3-16).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of **Gibson** into the system of Allison for the benefit of achieving a dialing error notification system the could be implemented nationally, regionally and locally to advise customers of misdialed codes.

Regarding claim 15, as recited in claim 14, **Allison** further teaches IMSI (see [0006 and 0011]); but fails to mention dialing error.

However, Gibson, which is an analogous art, equivalently teaches a system that advise customers that a dialing error has occurred (see, col. 4, lines 7-11). Gibson also mentions that users from particular region or users from a private network are prone to making particular dialing errors (see, col. 7, lines 3-16).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of **Gibson** into the system of Allison for the benefit of achieving a dialing error notification system the could be implemented nationally, regionally and locally to advise customers of misdialed codes.

3. **Claim 24 is rejected under U.S.C. 103(a) as being unpatentable over Gibson in view of Allison in view of Lohtia et al., (U.S. 20030211845 A1).**

Regarding claim 24, according to claims 3 and 16, as the combination of **Allison** and **Gibson** fails to teach that the method is only carried out for visiting subscribers who are not provided with CAMEL service O-CSI flag.

Lohtia, which is an analogous art, teaches a GSM CAMEL messaging application (see Par. [0034]).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of **Lohtia** into the system of Allison and Gibson for the benefit of achieving a system that includes SMS server to facilitate transmission of information to user device.

CONCLUSION

The Office action following a reopening of prosecution may be made final if all new grounds of rejection were either (A) necessitated by amendment or (B) based on information presented in an information disclosure statement under 37 CFR 1.97(c) where no statement under 37 CFR 1.97(e) was filed. See MPEP § 706.07(a). This Final Office Action is based on the amendment filed on 07/12/2007.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (9am - 7pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kwasi Karikari/
Patent Examiner: Art Unit 2617.

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617